

Atty. Docket No. 031280-020

DECLARATION & POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My correct city and state of residence, my post office address and my citizenship are stated below next to my name.

I believe myself to be the original, first and sole inventor (if only one name is listed below) or an original and first joint inventor (if more than one name is listed below) of the subject matter which is disclosed and claimed and for which a patent is sought on the invention entitled:

APPARATUS AND METHOD FOR USING OZONE AS A DISINFECTANT

The specification of this subject matter:

- ☐ is attached hereto.
- ☒ was filed on 09/18/2006 as United States Application Number 10/593,377 and was amended on _____ (if applicable).
- ☒ was filed on 03/18/2005 as PCT International Application Number PCT/CA2005/000412 and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified patent application, including the claims, as amended by any amendment(s) referred to above. I do not know and do not believe that the claimed invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, and that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months (for a utility patent application) or six months (for a design patent application) prior to this application.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

PRIOR FOREIGN APPLICATION(S)**Priority Claimed****Certified Copy Attached?**

Number	Country	Month/Day/Year Filed	Yes	No	Yes	No

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I hereby appoint practitioners associated with **Customer Number: 46,188** as attorneys of record with full power of substitution and revocation, to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith. If this application is assigned by me I agree and understand that the above-named attorneys will represent the assignee and not me.

Please send all correspondence and direct all telephone calls to the address associated with **Customer Number 46,188**.

I, the undersigned, declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

FULL NAME OF FIRST INVENTOR 1	Name	MIDDLE Initial(s)	LAST Name	
	Nigel		Boast	
RESIDENCE AND CITIZENSHIP	City	State or Foreign Country	Country of Citizenship	
	Kelowna	Canada	Canada	
POST OFFICE ADDRESS	Number and Street	City	State or Country	Zip Code
	277 Mathison Place	Kelowna	Canada	V1Y 5R4

FULL NAME OF 2ND INVENTOR 2	Name	MIDDLE Initial(s)	LAST Name	
	Doug		Heselson	
RESIDENCE AND CITIZENSHIP	City	State or Foreign Country	Country of Citizenship	
	Surrey	Canada	Canada	
POST OFFICE ADDRESS	Number and Street	City	State or Country	Zip Code
	6421 - 179 th Street	Surrey	Canada	V3S 7J9

FULL NAME OF 3RD INVENTOR 3	Name	MIDDLE Initial(s)	LAST Name	
	Jim		Hudson	
RESIDENCE AND CITIZENSHIP	City	State or Foreign Country	Country of Citizenship	
	Delta	Canada	Canada	
POST OFFICE ADDRESS	Number and Street	City	State or Country	Zip Code
	4700 Stahaken Place	Delta	Canada	V4M 4B3


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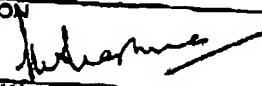
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FULL NAME OF 4th INVENTOR 4		Name	MIDDLE Initial(s)	LAST Name
		Sharma		Manju
RESIDENCE AND CITIZENSHIP	City	State or Foreign Country	Country of Citizenship	
	Vancouver	Canada	Canada	
POST OFFICE ADDRESS	Number and Street	City	State or Country	Zip Code
	373 East 54 th Street	Vancouver	Canada	V5X 1L1

I further declare that all statements made herein of my own knowledge are true and that all statements made upon information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such wilful false statements may jeopardize the validity of the application or any patent issuing thereon.

NIGEL BOAS  Date 23-01-08

DOUG HESELTON  Date 23 JAN 2008

JIM HUDSON  Date 23-1-2008

SHARMA MANJU  Date 23-1-2008

FROM : D. HESELTON

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FULL NAME OF 4th INVENTOR 4	Name	MIDDLE Initial(s)	LAST Name	
	Sharma		Manju	
RESIDENCE AND CITIZENSHIP	City	State or Foreign Country	Country of Citizenship	
	Vancouver	Canada	Canada	
POST OFFICE ADDRESS	Number and Street	City	State or Country	Zip Code
	373 East 54 th Street	Vancouver	Canada	V5X 1L1

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NIGEL BEASLEY

Date

23-01-08

DOUG HESELTON

Date

29-01-08

JIM HUDSON

Date

SHARMA MANJU

Date

37 C.F.R. §1.56

Duty to disclose information material to patentability

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.